

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**UNITED STATES OF AMERICA**

**v.**

**DMITRIJ HARDER**

---

:  
:  
:  
:  
:  
:  
:

**Criminal No. 2:15-cr-01-PD**

**DEFENDANT’S NOTICE REGARDING  
THE GOVERNMENT’S *STARKS* MOTION**

Defendant Dmitrij Harder, by and through his undersigned counsel, respectfully submits this notice regarding the government’s motion to admit recorded phone calls pursuant to *United States v. Starks* (Docket No. 32). Following discussions with the government, Mr. Harder hereby withdraws his opposition to the government’s motion (Docket No. 69) and notifies the Court that is no longer necessary to hold a *Starks* hearing for the government to establish the authenticity of the recordings it seeks to offer at trial. Mr. Harder reserves the right to object to admissibility of the recordings on other grounds, including on the basis that such recordings may not qualify for admission as co-conspirator statements under Fed. R. Evid. 801(d)(2)(E) (*see* Docket No. 68) to the extent permitted by the Court’s Order dated March 21, 2016. (Docket No. 109).

March 28, 2016

Respectfully submitted,

**LACHEEN & WITTELS LLP**

By: /s/ Stephen LaCheen  
Stephen LaCheen  
1429 Walnut Street, 13th Floor  
Philadelphia, PA 19102  
[slacheen@slacheen.cnc.net](mailto:slacheen@slacheen.cnc.net)  
(215) 735-5900

**BLANK ROME LLP**

By: /s/ Ian M. Comisky  
Ian M. Comisky  
Matthew D. Lee  
One Logan Square, 130 N. 18<sup>th</sup> Street  
Philadelphia PA 19103  
Phone: (215) 569-5646  
Fax: (215) 832-5646  
[Comisky-im@blankrome.com](mailto:Comisky-im@blankrome.com)  
[Lee-m@blankrome.com](mailto:Lee-m@blankrome.com)  
*Attorneys for Dmitrij Harder*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of March, 2016, I caused a true and correct copy of the foregoing to be served upon the following by way of the court's electronic filing system:

Michelle Morgan  
U.S. Attorney's Office  
615 Chestnut St.  
Suite 1250  
Philadelphia, PA 19106

Jason D. Linder  
U.S. Department of Justice  
1400 New York Avenue, N.W.  
Washington, D.C. 20005

Matthew D. Lee  
Matthew D. Lee